

Recycling Economy Law of the People's Republic of China

(Draft for Discussion)

中华人民共和国循环经济法 (草案讨论稿)

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第一章 总则

Chapter One General Provisions

第一条 【立法目的】

Article 1 Purpose for Legislation

为推进循环经济发展，提高资源利用效率，保护和改善环境，促进经济增长方式转变，实现可持续发展，制定本法。

This Law is formulated for the purpose of promoting the development of recycling economy, improving the efficiency of resources utilization, protecting and improving environment, and promoting the changes of economic growth pattern, as well as realizing sustained development.

第二条 【循环经济定义】

Article 2 Definition of Recycling Economy

本法所称循环经济，是指在生产、流通和消费等过程中进行的减量化、再利用、资源化活动的总称。

The “recycling economy” as mentioned in this Law, shall collectively refer to all the waste reduction, reuse and recycling carried out during the process of production, circulation and consumption.

本法所称减量化,是指在生产、流通和消费等过程中减少资源消耗和废物产生。

The “waste reduction” as mentioned in this Law, shall refer to the reduction of resources consumption and wastes generation during the process of production, circulation and consumption.

本法所称再利用，是指将废物直接作为产品或者经修复、翻新、再制造后继续作为产品使用，或者将废物的全部或者部分作为其他产品的组件或者部件予以使用。

The “reuse” as mentioned in this Law shall refer to use the wastes directly as products or use them continuously after restoration, renovation and remanufacture thereof, or

use the wastes, in whole or in part, as the components or parts of other products.

本法所称资源化，是指对废物进行再生利用或者直接将废物作为原料进行利用。

The “recycling” as mentioned in this Law shall refer to recycling and reusing of wastes or use wastes directly as raw materials.

第三条 【适用范围】

Article 3 Scope of Application

在中华人民共和国领域和管辖的其他海域内从事生产、流通和消费以及相关管理等活动，应当遵守本法。

Any one undertaking production, circulation and consumption, as well as the relevant management thereof within the People’s Republic of China and other sea areas of China shall comply with this Law.

第四条 【方针】

Article 4 Guidelines

发展循环经济是国家经济社会发展的一项长远战略，应当遵循统筹规划、合理布局，因地制宜、注重实效，政府推动、市场引导，企业实施、公众参与的方针。

The development of recycling economy is a far-reaching strategy of the state for economic and social development, and shall follow the guidelines of planning as a whole, making reasonable arrangements, according to the local conditions and paying attention to the actual effect, as well as promoted by the government, guided by the market, implemented by enterprises and participated by the general public.

第五条 【基本原则】

Article 5 Basic Principles

发展循环经济应当在技术可行、经济合理和环境友好的条件下，按照减量化优先的原则实施。

The development of recycling economy shall be implemented under the conditions of practicability of technology, reasonableness of economy and environment friendliness in light of the principle of giving priority to waste reduction.

在废物再利用和资源化过程中，应当防止产生再次污染。

Secondary pollution shall be prevented during the reuse and recycling of wastes.

第六条 【管理体制】

Article 6 Management System

国务院经济综合宏观调控部门负责组织协调、监督管理全国循环经济发展工作；

国务院环境保护等有关主管部门按照职责负责有关循环经济的管理工作。

The department of comprehensive macro-control of economy of the State Council shall be responsible for organizing, coordinating, supervising over and managing the work for the development of recycling economy nationwide; the department of environmental protection and the relevant authorities of the State Council shall be responsible for the work of recycling economy management according to their own duties.

县级以上地方人民政府综合经济管理部门负责组织协调、监督管理本行政区域内

的循环经济发展工作；县级以上地方人民政府环境保护等有关主管部门按照职责

负责有关循环经济的管理工作。

The comprehensive economic management departments of the local people's governments at or above the county level shall be responsible for organizing, coordinating, supervising over and managing the work for the development of recycling economy of their own regions; the department of environmental protection and the relevant authorities of the local people's governments at or above the county level shall be responsible for the work of recycling economy management according to their own duties.

第七条 【鼓励科技教育】

Article 7 Encouraging Education on Science and Technology

国家鼓励开展循环经济科学技术的研究、开发和推广，鼓励开展循环经济宣传、

教育、科学知识普及和国际合作。

The State encourages the carrying out of scientific and technological research, development and popularization with respect to recycling economy, and the publicity,

education, popularization and international cooperation on recycling economy.

第八条 【政府职责】

Article 8 Government Functions

县级以上人民政府应当建立发展循环经济的目标责任制,采取规划、财政、投资、政府采购等措施,推进循环经济发展。

The people's governments at or above the county level shall establish the target responsibility system for the development of recycling economy, and promote the development of recycling economy by taking such measures as planning, finance, investment and government procurement, and etc..

第九条 【企业事业单位义务】

Article 9 Obligations of Enterprises and Institutions

企业事业单位应当建立健全管理制度,采取措施,降低资源消耗,提高废物的再利用和资源化水平,减少废物的产生量和排放量。

Enterprises and Institutions shall establish and perfect management system and take measures to reduce resources consumption, improve the level of reuse and recycling of wastes, and reduce the volumes of wastes generated and discharged.

第十条 【公民的义务和权利】

Article 10 Rights and Obligations of Citizens

公民应当增强资源节约和环境保护意识,合理消费,节约资源,尽可能使用清洁能源和再生产品,减少废物的产生量和排放量。

Citizens shall strengthen awareness of resource saving and environmental protection, make rational consumption, save resources and use clean energy and recycling products as much as possible, and reduce the volumes of wastes generated and discharged.

公民有权举报浪费资源、破坏环境的行为,有权了解政府发展循环经济的信息并提出意见和建议。

Citizens shall have the right to report any act of wasting resources and damaging environment, and shall also have the right to know the information on the development of recycling economy by the government and propose their opinions and suggestions thereon.

第十一条 【行业协会和中介机构】

Article 11 Industry Associations and Intermediaries

国家鼓励和支持行业协会在循环经济发展中发挥指导和服务作用。县级以上人民政府可以委托有条件的行业协会、学会等社会组织开展促进循环经济发展的公共性服务。

The State encourages and supports industry associations to play a role of guidance and service in the development of recycling economy. The people's governments at or above the county level may entrust any industry associations and academies and other public organizations that have conditions to provide public services for promoting the development of recycling economy.

国家鼓励和支持行业协会、学会、中介机构和其他社会组织开展循环经济技术推广、宣传培训和咨询服务，促进循环经济发展。

The State encourages and supports industry associations, academies, intermediaries and other public organizations to provide services for the popularization, publicity and training, as well as consulting of technologies of recycling economy, so as to promote the development of recycling economy.

第二章 基本管理制度

Chapter Two Basic Administrative Rules

第十二条 【规划制度】

Article 12 Planning System

县级以上人民政府编制国民经济和社会发展规划、区域规划以及城乡建设、环境保护、科学技术发展等规划，应当明确发展循环经济的目標和要求。

The people's government at or above the county level shall prepare general plans and regional plans for the national economic and social development, and plans for

municipal and rural construction, environmental protection and development of science and technology, and shall clarify the target and requirements for the development of recycling economy.

国务院经济综合宏观调控部门会同国务院环境保护等有关主管部门编制全国循环经济发展规划，报国务院批准后公布施行。设区的市级以上地方人民政府综合经济管理部门会同同级人民政府环境保护等有关主管部门编制本地区循环经济发展规划，报同级人民政府批准后公布施行。

The department of comprehensive macro-control of economy of the State Council shall, together with the department of environmental protection and the relevant authorities of the State Council, prepare a national plan for the development of recycling economy, which shall be promulgated and implemented after being reported to and approved by the State Council. The comprehensive economic management departments of the people's governments at or above the level of the cities divided into districts shall, together with the departments of environmental protection and other relevant authorities, prepare a plan for the development of recycling economy of their own regions, which shall be promulgated and implemented after being approved by the people's governments of the same level.

循环经济发展规划应当包括规划目标、适用范围、主要内容、重点任务和保障措施等，并规定资源产出率、资源循环利用率等指标。

The recycling economy development plan shall include the objective of the plan, scope of application, main contents, major tasks and safeguard measures, and shall specify such indicators as resource output capacity, resource recycling ratio, and etc..

第十三条 【总量调控制度】

Article 13 Overall Volume Control System

县级以上地方人民政府应当依据上级人民政府制定的本行政区域主要污染物排放总量控制指标和建设用地、生产用水总量控制指标，规划和调整本行政区域的产业结构，推进循环经济发展。

The local people's governments at or above the county level shall plan and adjust the industrial structure of their own administrative regions to promote the develop of recycling economy on the basis of the overall volume control indexes for the

discharge of major pollutants, and the overall volume control indexes for construction use land and production use water of their own administrative regions.

新建、改建、扩建项目，应当符合本行政区域主要污染物排放总量控制指标和建设用地、生产用水总量控制指标的要求。

Any newly-built, rebuilt and expanded projects shall comply with the requirements for the overall volume control indexes of the major pollutant discharge and the construction use land and production use water of their own administrative regions.

第十四条 【评价和考核制度】

Article 14 Evaluation and Examination System

国务院经济综合宏观调控部门会同国务院统计、环境保护等有关主管部门建立循环经济评价指标体系。

The department of comprehensive macro-control of economy of the State Council shall, together with the statistical department, environmental protection department and other relevant authorities of the State Council, establish major evaluating indexes for recycling economy.

上级人民政府根据前款规定的循环经济主要评价指标，对下级人民政府发展循环经济的状况定期进行考核，并将考核结果作为评价地方人民政府行政领导政绩的重要依据。

The upper level people's governments shall make regular examination on the development of recycling economy by the lower level people's governments on the basis of the major evaluating indexes of recycling economy as set forth in the preceding paragraph, and take the result of examination as the important basis for evaluating the political achievements of the administrative leaders of the local people's governments.

国务院和县级以上地方人民政府向同级人民代表大会报告政府工作时，应当同时报告循环经济发展工作。

The State Council and the local people's governments at or above the county level shall report the work for the development of recycling economy at the time of reporting government works to the people's congresses of the same level.

第十五条 【以生产者为主的责任延伸制度】

Article 15 Responsibility Extension System Focusing on the Manufacturers

生产被列入强制回收名录的产品或者包装物的企业,必须对废弃的产品或者包装物负责回收;对其中可以利用的,由该企业负责利用;对目前技术经济条件下不适合利用的,由该企业负责无害化处置。

Any enterprise whose production is listed into the Compulsory Recycling Catalog or enterprise of packaging materials shall be responsible for recycling the discarded products or used packaging, and using those that may be used or making innocent treatment on those that are not fit for use.

对前款所指废弃的产品和包装物,生产者可以委托销售者或者其他组织进行回收,接受委托的销售者和其他组织应当按照法律法规的规定和合同的约定负责回收。

With respect to the discarded products and used packaging as mentioned in the preceding paragraph, the manufacturers may entrust sellers or other organizations to recycle, and the entrusted sellers and other organizations shall be responsible for recycling the same in accordance with the provisions of laws and regulations and contract provisions.

对本条第一款所指废弃的产品和包装物,生产者可以委托废物利用或者处置企业进行利用或者处置,接受委托的企业应当按照法律法规的规定和合同的约定负责利用或者处置。

Manufacturers may entrust any enterprise undertaking the utilization and disposal of wastes to use or dispose the discarded products and used packaging as mentioned in paragraph one of this Article. The entrusted enterprise shall be responsible for using and disposing the same in accordance with the provisions of laws and regulations and contract provisions.

消费者对列入国家强制回收名录的产品和包装物,应当在该产品和包装物废弃后按照法律法规的规定和合同的约定交给生产者或者其委托回收的销售者或者其

他企业。

Consumers shall hand over the discarded products and used packaging listed in the State Compulsory Recycling Catalog to any manufacturer or any seller or any other enterprise entrusted by the manufacturer for recycling in accordance with the provisions of laws and regulations and contract provisions after such products and packaging are discarded.

强制回收的产品和包装物名录,由国务院经济综合宏观调控部门会同国务院环境保护等有关部门根据技术可行、经济合理和循序渐进的原则制定,报国务院批准后实施。

The Compulsory Recycling Catalog for products and packaging shall be formulated by the department of comprehensive macro-control of economy of the State Council together with the environmental protection department and the relevant authorities of the State Council in light of the principle of practicability in technology, reasonableness in economy and step by step, and implemented after being reported to and approved by the State Council.

第十六条【对高耗能高耗水企业的重点管理制度】

Article 16 System of Major Control over Enterprises with High Energy Consumption and High Water Consumption

国家对钢铁、有色金属、煤炭、电力、石油石化、化工、建材、建筑、造纸、纺织、食品等行业内,年综合能耗、水耗超过国家规定总量的重点企业,实行能耗和水耗的重点管理制度。重点企业名录由国务院经济综合宏观调控部门会同国务院有关部门制定并公布。

The State shall implement the system of major control over energy consumption and water consumption of key enterprises whose annual comprehensive energy consumption and water consumption exceed the overall volume as prescribed by the State in such industries as steel and iron, non-ferrous metals, coals, electric power, petroleum and petrol-chemicals, chemicals, construction materials, construction, paper making, textiles and foods. The catalog of key enterprises shall be formulated and announced by the department of comprehensive macro-control of economy of the State Council together with the relevant authorities of the State Council.

重点企业应当根据高耗能产品单位能耗限额国家标准和取水定额国家标准,制定

先进、合理的单位产品能耗限额企业标准和取水定额企业标准，并报送省、自治区、直辖市人民政府综合经济管理部门和标准化主管部门备案。

The key enterprises shall formulate an advanced and reasonable enterprise standard for energy consumption of per unit product and enterprise standard for water intake quota, and report to and file with the comprehensive economic management departments and standardization departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

重点企业应当对本条第二款规定的标准实施情况进行审核，并定期向所在省、自治区、直辖市人民政府综合经济管理部门提交审核报告。国务院经济综合宏观调控部门或者省、自治区、直辖市人民政府综合经济管理部门可以组织有关部门对重点企业标准的实施情况进行检查。

The key enterprises shall make examination on the implementation of the standards as prescribed in paragraph two of this Article and submit regular examination report to the comprehensive economic management departments and standardization departments of the people's governments at the province, autonomous region, and municipality directly under the Central Government where they are located. The department of comprehensive macro-control of economy of the State Council or the comprehensive economic management departments and standardization departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may organize the relevant departments to make inspection on the implementation of the standards by key enterprises.

国务院经济综合宏观调控部门或者省、自治区、直辖市人民政府综合经济管理部门定期公布重点企业单位产品能耗限额企业标准和取水定额企业标准的实施情况，并对取得显著成绩的企业给予表彰奖励。

The department of comprehensive macro-control of economy of the State Council or the comprehensive economic management department and standardization departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall announce regularly the implementation of the enterprise standard for energy consumption limit of per unit product by key enterprises and the enterprise standard for water intake quota, and give awards and bonuses to those enterprises that have made outstanding achievements.

第十七条 【统计、标准等基础管理制度】

Article 17 Statistical, Standard and Other Basic Management System

国家建立健全循环经济统计制度，加强资源消耗、综合利用和废物产生的统计管理，并将主要统计指标定期向社会公布。

The State shall establish and perfect the recycling economy statistical system to strengthen statistical management on resources consumption, comprehensive utilization and wastes generation and make regular public announcement on the major statistical indexes to the society.

国务院标准化主管部门会同国务院经济综合宏观调控和环境保护等有关部门建立循环经济标准体系，制定和完善节能、节水、节材和再利用、资源化等标准。

国家建立健全产品的资源消耗标识制度，并支持企业自愿开展节能、节水、节材和环境标志产品认证。

The department of standardization of the State Council shall, together with the department of comprehensive macro-control of economy and department of environmental protection and the relevant authorities thereof to establish standard system for recycling economy, formulate and perfect standards for energy saving, water saving, materials saving, and reuse, as well as recycling. The State shall establish and perfect the resource consumption mark system and support enterprises to carry out at their own free will certification on energy saving, water saving, material saving and environmental mark products.

第三章 减量化

Chapter Three Waste Reduction

第一节 生产过程中的减量化

Section One Waste Reduction in Production Process

第十八条 【产业政策和名录制度】

Article 18 Industrial Policies and Catalog System

国家制定产业政策应当符合发展循环经济的要求。

The formulation of industrial policies by the State shall comply with the requirements for the development of recycling economy.

国务院经济综合宏观调控部门会同国务院环境保护等有关主管部门 ,定期发布鼓励、限制和淘汰的技术、工艺、设备、材料和产品名录。

The department of comprehensive macro-control of economy of the State Council shall, together with the environmental protection department and the relevant authorities thereof release regularly the catalogs of technologies, processes, equipment, materials and products encouraged, restricted and eliminated by the State.

禁止生产、进口或者采用列入淘汰名录的技术、工艺、设备、材料和产品。

No technologies, processes, equipment, materials and products that fall into the Catalog of Elimination shall be produced, imported or adopted.

县级以上地方人民政府综合经济管理部门会同同级人民政府环境保护等有关主管部门对本条第二款名录制度的实施情况进行监督。

The comprehensive economic management departments of the people's governments at or above the county level shall, together with the environmental protection departments of the people's governments of the same level and the relevant authorities to make supervision over the implementation of the catalog system as set forth in paragraph two of this Article.

第十九条 【对设计的要求】

Article 19 Design Requirements

从事工艺、设备、产品及包装物设计的单位和个人 ,应当按照节能降耗和削减污染物的要求 ,优先选择易降解、易回收、易拆解、无毒、无害或者低毒、低害的材料和设计方案。

Any entity or individual that undertakes the design of processes, equipment, products and packaging materials shall choose in priority any materials that are easy to be degraded, recycled, dismantled and non-toxic and unharmed materials or of low toxic or less harmful materials and design plan.

对于在拆解和处置过程中可能造成环境污染的电器电子等产品 ,不得设计使用国

家禁止使用的有毒有害物质。国家禁止使用的有毒有害物质名录由国务院经济综合宏观调控部门会同国务院环境保护等有关主管部门制定。

No toxic and harmful substances prohibited to use by the State may be designed and used in the electrical and electronic products that may cause environmental pollution during the process of being dismantled and disposed. The catalog of toxic and harmful substances prohibited by the State shall be formulated by the department of comprehensive macro-control of economy of the State Council together with the environmental protection department and the relevant authorities thereof.

在保障产品安全、卫生和方便消费者的前提下 ,单位和个人在设计产品包装物时 ,必须执行产品包装标准 ,防止过度包装造成资源浪费和环境污染。产品包装标准由国务院标准化主管部门会同有关部门制定。

Under the precondition of ensuring product safety, sanitation and convenient for consumers, all the entities and individuals shall implement product packaging standard in their design of product packages, so as to prevent waste of resources and environmental pollution caused by excess packaging. The product packaging standard shall be formulated by the standardization department of the State Council together with the relevant authorities.

第二十条 【工业节水】

Article 20 Water Saving in Industry

工业企业应当制定并实施节水计划 ,采用先进或者适用的节水技术、工艺、设备和措施 ,加强节水管理 ,对生产用水进行全过程控制。

Industrial enterprises shall formulate and implement water saving plans and strengthen water saving management by adopting advanced or applicable water saving technology, processes, equipment and measures, and exercise overall-process control over the production use water.

工业企业应当加强用水计量管理 ,配备和使用合格的用水计量器具 ,建立水耗统计和用水状况分析制度。

Industrial enterprises shall strengthen management on measurement of water usage, equip with and use qualified water usage instrument of measurement, and establish water consumption statistics and water usage status analysis system.

新建、改建、扩建项目，应当配套建设节水设施。节水设施应当与主体工程同时设计、同时施工、同时投产使用。

Any supporting water saving facilities shall be built for any newly built, restructured or expanded project, and shall be designed, constructed and put into production and use concurrently with the main body project.

国家鼓励和支持沿海地区发展海水淡化和海水直接利用，节约淡水资源。

The State encourages and supports coastal areas to develop seawater desalination and direct use of seawater to save fresh water resources.

第二十一条 【工业节油】

Article 21 Oil Saving in Industry

国家鼓励和支持工业企业使用高效节油产品，按照替代液体燃料标准生产石油替代产品。

The State encourages and supports industrial enterprises to use high-efficient and oil saving products and produce substitutes for oil products in light of the standards for substitutes of liquid fuels.

电力、石油石化、化工、钢铁、有色金属和建材等企业，应当在国家规定的范围和期限内，以洁净煤、石油焦、天然气等清洁能源替代燃料油，逐步停止使用不符合国家规定的燃油发电机组和燃油锅炉。

Enterprises in such industries as electric power, petrol-chemicals, chemicals, steel and iron, non-ferrous metals and construction materials shall substitute clean coal, petroleum coke, natural gas and other clean energy for fuel oil within the scope and time limit as prescribed by the State, and gradually stop using fuel oil generating sets and fuel oil boilers that do not comply with the state provisions.

内燃机和机动车制造企业应当按照国家规定的内燃机和机动车燃油经济性标准，推进节油技术应用，减少石油产品消耗量。

Internal-combustion engine enterprises and vehicle manufacturing enterprises shall push forward the application of oil saving technology in light of the fuel oil economic

standard for internal-combustion engines and vehicles prescribed by the State to reduce the volume of petroleum products consumption.

第二十二条 【矿产资源开采】

Article 22 Mining of Mineral Resources

开采矿产资源,应当统筹规划,制定合理的开发利用方案,采用合理的开采顺序、方法和选矿工艺。颁发采矿许可证,必须在许可证中规定开采回采率、矿山水循环利用率、采矿贫化率、选矿回收率和土地复垦率等强制性指标。

Mining of mineral resources shall be planned as a whole, with a reasonable development and utilization plan formulated, and reasonable mining order, method and mining separation technology adopted. When issuing a mining license, the following compulsory indexes shall be prescribed in the license, including rate of extraction for mining, recycling rate of mine water, ore depletion rate, mineral processing recovery and land reclamation rate.

矿山企业在开采主要矿种的同时,应当对具有工业价值的共生和伴生矿实行综合开采、合理利用;对开采时不具备综合开采技术经济条件的,应当依法限制或者禁止开采;对必须同时采出而暂时不能利用的矿产以及含有有用组分的尾矿,应当采取保护措施,防止资源损失和生态破坏。

Mining enterprises shall make comprehensive mining and reasonable use of paragenous minerals and accompanying minerals that have industrial value at the time of mining major types of minerals; mining shall be restricted or prohibited for those that do not have comprehensive technical and economic conditions at the time of mining; and protective measures shall be taken to those minerals that shall be mined out but shall not be used for the time being and the gangues that have useful components, so as to prevent resource losses and ecological damages.

第二十三条 【对建材和建筑产业的要求】

Article 23 Requirements for Construction Materials and Construction Industry

建筑规划、设计、建设、施工等单位应当按照节能、节地、节水、节材的国家有关规定和标准,采用节约原材料的技术工艺,使用小型、轻型和再生产品。有条

件的地区，应当充分利用太阳能、地热能等可再生能源。

Entities of construction planning, design, building and construction shall adopt techniques that can save raw materials and use small, light and recycling products in light of the relevant State provisions and standards for energy saving, land saving, water saving and material saving. Where there are conditions, solar energy, geothermal energy and other recycling energy may be fully used.

国家鼓励利用无毒无害的固体废物生产建筑材料，鼓励使用散装水泥，推广预拌混凝土和预拌砂浆。

The State encourages the use of non-toxic and unarmful solid wastes to produce construction materials and encourages the use of bulk cement and popularizes premixed concrete and premixed mortar.

国家禁止毁田烧砖。在国务院或者省、自治区、直辖市人民政府规定的期限和区域内，禁止生产、销售和使用实心粘土砖。

The State prohibits baking bricks by destroying land. No solid clay bricks shall be produced, sold and used within the time limit and areas prescribed by the State Council or the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government.

第二十四条 【农业减量化】

Article 24 Agriculture Waste Reduction

各级人民政府及其农业等主管部门应当推进土地集约利用，支持农业生产者采用节水、节能、节种、节肥、节药的先进种植、养殖和灌溉技术，优先发展生态农业。

The people's governments at all levels and their agriculture departments shall push forward land consolidation utilization and support farmers to adopt advanced planting, raising and irrigation technology of water saving, energy saving, planting saving, fertilizer saving and medicine saving, so as to develop ecology agriculture in priority.

在缺水地区，应当优先发展节水型农业，推进雨水集蓄，建设和管护节水灌溉设施，提高用水效率，减少水的蒸发和漏失。

In regions where there is shortage of water, water saving agriculture shall be developed in priority to push forward storage of rain water, build and manage and protect water saving irrigation facilities, so as to improve water utilization efficiency and reduce the evaporation and leakage of water.

第二节 流通、消费过程中的减量化

Section Two Waste Reduction in Circulation and Consumption Processes

第二十五条 【对公共机构的要求】

Article 25 Requirements for Public Organizations

公共机构应当厉行节约，杜绝浪费，带头使用节能、节水、节地、节材和环境友好的产品、设备和设施，节约使用办公用品。国务院和县级以上地方人民政府管理机关事务的机构会同有关部门制定本级公共机构的用能、用水定额指标，财政部门根据该定额指标制定支出标准。

Public organizations shall practice economy and put a stop to waste, take lead to use energy saving, water saving, land saving, material saving and environmental-friendly products, equipment and facilities, and use office supplies economically. The institutions of the State Council and the local people's governments that manage affairs of their own departments shall, together with the relevant authorities to formulate the quota indexes for using energy and water by the public organizations of the same level, and the finance departments shall formulate expenditure standard based on such quota indexes.

前款所称公共机构是指全部或者部分使用财政性资金的国家机关、事业单位和团体组织。

The "Public Organizations" as mentioned in the preceding paragraph shall refer to state organs, institutions and organizations using finance funds, in whole or in part.

城市人民政府和建筑物的所有者或者使用者，应当采取措施，加强建筑物维护管理，延长建筑物使用寿命。对符合城市规划和工程建设标准，在合理使用寿命内的建筑物，城市人民政府不得决定拆除。

The municipal people's governments and the owners or users of construction

buildings shall take measures to strengthen maintenance and management over construction buildings to extend the life span of the construction buildings. No municipal people's government may determine to demolish any construction buildings which comply with urban planning and project construction standard and within the reasonable life span.

第二十六条 【城市生活节约】

Article 26 Saving in Urban Life

国家对城市居民生活所用的电、气、自来水等资源性产品，根据实际需要和可能实行累进加价和收费制度。具体办法由国务院或者省、自治区、直辖市人民政府制定。

The State will implement the system of graduated increase of prices and fees for electricity, gas, tap water and other products of resource nature used in the ordinary life of urban residents according to the reality and possibility. The concrete measures shall be formulated by the State Council or the people's governments at the provinces, autonomous regions and municipalities directly under the Central Government.

国家鼓励和支持使用再生水。在有条件使用再生水的地区，限制或者禁止将自来水作为城市道路清扫、城市绿化和景观用水使用。

The State encourages and supports the use of recycling water, and restricts or prohibits the use of tap water as the water for cleaning urban road, afforestation of city and sightseeing in areas where there are conditions to use recycling water.

第二十七条 【服务业节约】

Article 27 Saving in Service Industry

餐饮、娱乐、宾馆等服务性企业，应当优先采用节能、节水 and 环境友好的产品，减少使用或者不使用浪费资源、污染环境的产品。

Catering, entertainment enterprises, hotels and other service enterprises shall adopt energy saving, water saving and environmental friendly products in priority to reduce the use or not to use any products that squander resources and pollute environment.

本法施行后新建的餐饮、娱乐、宾馆等服务性企业，必须采用节能、节水和其他

有利于资源节约和环境保护的技术、设备和设施。

Any newly built catering, entertainment enterprise or hotel after the implementation of this Law shall adopt technology, equipment and facilities of energy saving and water saving or otherwise conducive to saving resources and protecting environment.

第二十八条 【限制一次性消费品】

Article 28 Restrictions to Disposable Consumables

国家在保障安全和卫生的前提下，限制一次性消费品的生产和销售。国务院经济综合宏观调控部门会同国务院财政、税务、环境保护等有关主管部门制定浪费资源、破坏环境的一次性消费品名录。

The state shall restrict the production and sale of disposable consumables under the precondition of ensuring safety and sanitation. The department of comprehensive macro-control of economy of the State Council shall, together with the relevant departments of finance, taxation and environmental protection of the State Council, formulate catalogs of disposable consumables that squander resources and destruct environment.

对列入前款所指名录中的一次性消费品的生产和销售，由国务院财政、税务、商务等主管部门制定限制性的税收和出口限制等措施。

The finance, taxation and commerce authorities of the State Council shall formulate restrictive taxation measures and import restrictions on the production and sale of the disposable consumables listed in the catalogs as mentioned in the preceding paragraph.

第四章 再利用和资源化

Chapter Four Reuse and Recycling/Resourcelization

第一节 产业废物的再利用和资源化

Section One Reuse and Recycling/ Resourcelization of Industrial Wastes

第二十九条 【区域循环经济】

Article 29 Regional Recycling Economy

县级以上人民政府应当统筹规划区域经济布局，合理调整产业结构，促进企业在资源综合利用等领域进行合作，实现资源的高效利用和循环使用。

People's Government above the county level shall plan as a whole the deployment of regional economy, adjusting the industrial structure in a reasonable manner, promoting the cooperation between enterprises in such fields like the comprehensive utilization of resources, so as to realize the efficient use and recycling of resources.

国家鼓励产业园区内的企业进行废物交换利用、能量梯级利用、土地集约利用、水的逐级利用和循环使用，共同使用基础设施和其他有关设施。

The State shall encourage the efforts of enterprises inside an industrial park in waste exchange for use, cascade utilization of energy, intensive use of land, stage-by-stage use of water, and shared use of infrastructures and other related facilities.

第三十条 【工业废物综合利用】

Article 30 Comprehensive Utilization of Industrial Waste

企业应当对生产过程中产生的粉煤灰、煤矸石、废渣、尾矿、废石、废料等工业废物进行综合利用。

Enterprises shall carry out comprehensive utilization of such industrial wastes as coal powder, gangue, waste residue, tailings, mullock, scraps, etc, which are produced in the course of production.

建筑材料生产和筑路、筑坝、筑港等工程建设，应当在保证质量的前提下，掺用一定数量的粉煤灰或者其他工业废物。

With quality assurance as the prerequisite, production of building materials and such construction project as road building, dam building, port building, ect. shall mix into use the coal powder or other industrial wastes in an appropriate proportion.

第三十一条 【工业用水循环利用】

Article 31 Circulating Use of Industrial Water

企业应当发展串联用水系统和循环用水系统，提高水的重复利用率。

Enterprises shall develop chain system and circulating system for water use so as to

improve the reuse rate of water.

企业应当采用先进技术、工艺和设备,对生产过程中产生的废水进行再生利用。

Enterprises shall employ advanced technology, process, and equipment to revive and reuse the waste water produced in the course of production.

第三十二条 【余热、余压等综合利用】

Article 32 Comprehensive Utilization of Residual Heat and Residual Pressure

企业应当采用先进或者适用的回收技术和设备,对生产过程中产生的余热、余压等进行综合利用。

Enterprises shall employ advanced or applicable recovering technology and equipment to realize the comprehensive utilization of the residual heat and residual pressure resulted from the course of production.

建设利用余热、余压、煤层气以及煤矸石、煤泥、垃圾等低热值燃料的并网发电项目,应当依照法律和国务院的规定取得行政许可或者报送备案。

The construction of grid-connected power generation projects using such low heat-value fuel as residual heat, residual pressure, coal-bed gas, coal gangue, coal mud and garbage shall obtain the administrative permit or apply for filing in accordance to laws and the State Council's regulations.

电网企业应当与资源综合利用的企业签订并网协议。企业自发电量优先由本企业自用,剩余发电量应当由电网企业全额收购。

Power grid enterprises shall sign a grid-connection agreement with enterprises that implement comprehensive utilization of resources. Enterprises' self-generating power shall satisfy the self use first, and the excessive part thereof shall be fully purchased by power grid enterprises.

第三十三条 【建筑废物综合利用】

Article 33 Comprehensive Utilization of Construction Wastes

建设单位应当对工程施工中产生的建筑废物进行综合利用;没有条件利用的,应当委托有条件的企业进行综合利用或者无害化处置。

Constructors shall carry out the comprehensive utilization of construction wastes produced in the course of construction; where conditions do not allow for the comprehensive utilization, the constructor shall entrust the capable enterprises to conduct the comprehensive utilization or harmless treatment.

第三十四条 【农业综合利用】

Article 34 Comprehensive Utilization in Agricultural Sector

国家鼓励和支持农业生产者和相关企业采用先进或者适用技术，对农作物秸秆、禽畜粪便、农产品加工业副产品、废农用薄膜等进行综合利用，积极开发利用沼气等生物质能源，推广秸秆气化、液化等技术。

The State encourage and support the joint efforts of the agricultural producers and related enterprises in realizing the comprehensive utilization of crop straws and stalks, dejections of fowl and livestock, byproducts resulted from the processing of agricultural products, and used agricultural films by adopting advanced or applicable technology. The State also calls for the active engagement in developing and exploiting biological energy like marsh gas and popularizing such technology as gasification and fluidification of straws and stalks.

第三十五条 【林业综合利用】

Article 35 Comprehensive Utilization in Forestry Sector

各级人民政府及其林业行政主管部门应当积极发展生态林业，鼓励和支持林业生产者采用木材代用技术，开展林业废弃物和次小薪材、沙生灌木等的综合利用，提高木材综合利用率。

People's governments at various levels and their respective competent administrative department for forestry shall actively develop ecological forestry, encourage and support the use of wood substitute technology by forestry producers, carry out the comprehensive utilization of forestry wastes, minor fuelwoods, and sand shrubbery, and improve the comprehensive use rate of wood.

第三十六条 【企业之间的废物综合利用】

Article 36 Inter-Enterprises Comprehensive Utilization of Wastes

国家支持单位和个人建立产业废物交换信息系统，促进企业交流产业废物信息。

The State supports the establishment of waste exchange information systems by entities or individuals so as to promote the exchange of information on industrial wastes.

企业对生产过程中产生的废物不具备综合利用条件的,应当提供给具备条件的单位和个人进行综合利用。

Where the enterprise is not sufficiently equipped for the comprehensive utilization of wastes resulted from production, some other entity or individual capable of doing so shall be resorted to.

第二节 流通、消费后废物的再利用和资源化

Section Two Reuse and Recycling/Resourcelization of Post-Circulation and Post-Consumption Wastes

第三十七条 【废物回收体系】

Article 37 Waste Recovery System

国家鼓励和推进废物回收体系建设。

The State encourages and promotes the buildup of waste recovery systems.

地方人民政府应当按照城乡规划,合理布局废物回收网点和交易市场,支持废物回收企业和其他组织开展废物的收集、储存、运输及信息交流。

Local governments shall follow the urban and countryside planning and deploy the waste recovery network and points in a reasonable manner, supporting waste recovery enterprises and other organizations in carrying out waste collection, storage, transportation and information exchanges.

废物回收交易市场应当符合国家规定的环境保护、安全和消防等要求。

The market for waste recovery shall meet the State's requirements on environmental protection, safety, fire protection, etc.

第三十八条 【拆解、再利用或资源化的资质管理】

Article 38 Management on Qualification for Dismantling, Reuse, and Recycling/Resourcelization

对废电器电子产品、报废机动车船、废轮胎、废铅酸电池等特定产品进行拆解、再利用或者资源化，法律、行政法规规定实行资质管理的，依照其规定执行。

To engage in dismantling, reuse, and recycling/resourcelization of special products like waste electrical appliances or electronic products, scrapped motor vehicles or vessels, waste tires, waste lead-acid batteries, etc., the practitioner shall follow the laws and administrative regulations on qualification management, if any.

第三十九条 【电器电子产品的再利用和资源化】

Article 39 Reuse and Recycling/Resourcelization of Electrical Appliances or Electronic Products

回收的电器电子产品，经过修复后销售的，必须符合再利用产品标准，并在显著位置标识为再利用产品。

After the recovered electrical appliances or electronic products are reconditioned and for sale, they must be up to the standards for products of reuse and visually labeled as recycling product.

回收的电器电子产品，需要拆解和再生利用的，必须交售给有条件的拆解、利用企业。

For those recovered electrical appliances or electronic products that need dismantling and reviving for use, they shall be sold and delivered to enterprises capable of doing so.

第四十条 【报废机动车船回收拆解】

Article 40 Recovery and Dismantling of Scrapper Motor Vehicles or Vessels

报废机动车船的所有者，必须将所报废的机动车船交售给回收、拆解机动车船的企业。

The owners of scrapped motor vehicles or vessels shall sell and deliver the scrapped vehicles or vessels to enterprises engaged in recovering and dismantling vehicles or vessels.

回收后的报废机动车船必须拆解，禁止重新拼装使用。

Any scrapped vehicles or vessels as recovered shall be dismantled and any reassembly thereof for use is prohibited.

第四十一条 【产品再制造和轮胎翻新】

Article 41 Product Remanufacture and Tire Retreading

国家支持企业开展机动车零部件、工程机械、机床等产品的再制造和轮胎翻新。

The State supports enterprises in carrying out the remanufacture of such products as vehicle components, engineering machinery and machine tools as well as tire retreading.

销售再制造产品和翻新产品必须符合国家规定的质量标准 ,并在显著位置标识为

再制造产品或者翻新产品。

The sale of remanufactured and retreaded products shall comply with the quality standards specified by the State and mark the same as remanufactured products or retreaded products at a conspicuous position.

第四十二条 【生活垃圾、污泥的资源化】

Article 42 Recycling/Resourcelization of Household Wastes and Sludge

县级以上人民政府应当统筹规划建设城乡生活垃圾分类收集和资源化利用设施 ,

建立和完善分类收集和资源化利用体系 ,提高生活垃圾资源化率。

People's government at or above the county level shall plan and construct in a coordinated manner the facilities for classified collection and recycling use of urban and rural household wastes, establish and perfect the classified collection and recycling use system, and improve the recycling rate for household wastes.

县级以上人民政府应当支持企业建设污泥资源化利用与处置设施 ,提高污泥综合

利用水平 ,防治污泥造成的污染。

People's governments at or above the county level shall support enterprises in building up facilities to recycle and dispose sludge so as to improve the comprehensive utilization of sludge and prevent and cure the pollution caused by sludge.

第五章 激励措施

第四十三条 【专项资金】

Article 43 Special Funds

国务院和省、自治区、直辖市人民政府设立循环经济发展专项资金，用于：

The State Council and the people's governments of all provinces, autonomous regions and municipalities directly under the Central Government will set up special funds for recycling economy development for the purpose of:

(一) 循环经济技术、产品的开发和推广；

1) developing and popularizing the technology and products of recycling economy;

(二) 支持循环经济发展的示范项目和重大项目；

2) supporting pilot and major projects for recycling economy development;

(三) 开展循环经济的宣传、培训、教育和能力建设；

3) launching publicization, training, and education on and building up the competence of recycling economy;

(四) 开展循环经济信息网络体系建设；

4) carrying out the construction of information network and system of recycling economy; and

(五) 对发展循环经济做出突出贡献者进行奖励。

5) rewarding those who have made remarkable contributions to the development of recycling economy.

循环经济发展专项资金管理办法由国务院财政部门会同国务院经济综合宏观调控等有关部门制定。

Measures on managing the special funds for recycling economy shall be formulated by the treasury department together with the department of comprehensive macro-control of economy of the State Council.

第四十四条 【重大科技攻关和引进的财政支持】

Article 44 Financial Support for Key Problem Tackling and Introduction of Major Technology

国务院和省、自治区、直辖市人民政府及有关部门应当将循环经济重大科技攻关项目的自主创新研究、应用示范和产业化发展列入国家或者省级科技发展规划和高技术发展规划，并安排财政性资金予以支持。

The State Council and the people's governments of all provinces, autonomous regions and municipalities directly under the Central Government, along with their respective competent administrative departments, shall list into the state-level or the province-level technology development planning and high-tech development planning the key problem tackling of major technology for recycling economy, including the self-motivated innovative research, pilot application, and industrialized development.

利用财政性资金引进循环经济重大技术、装备的，应当制定消化、吸收和创新方案，报有关主管部门审批并由其监督实施；有关主管部门应当根据实际需要建立协调机制，对重大技术、装备的引进和消化、吸收、创新实行统筹协调和资金支持。

To use financial funds to introduce major technologies and equipment for recycling economy, schemes for assimilation, absorption, and innovation shall be made and submitted to relevant authorities for approval as well as supervision on the implementation thereof; the relevant authorities shall, in view of the actual needs, establish a coordination mechanism whereby coordination will be conducted for and financial assistance will be given to the introduction, assimilation, absorption and innovation of major technologies and equipment.

第四十五条 【税收】

Article 45 Taxation

国家对促进循环经济发展的产业活动给予税收优惠，并运用税收等措施鼓励进口先进的节能、节水、节材等技术和设备，限制在生产过程中耗能高、污染重的产品的出口。具体办法由国务院财政、税务主管部门制定。

The State will grant tax preferences to those industrial activities conducive to promoting recycling economy development. The State will also, through such

measures as tax incentives, encourage the import of advanced technologies and equipment for energy, water and material saving and limit the export of products whose production consume energy or pollute environment heavily. Specific measures thereof will be formulated by the competent departments of finance and taxation of the State Council.

国务院经济综合宏观调控部门和省、自治区、直辖市人民政府综合经济管理部门对列入国家清洁生产、资源综合利用等鼓励名录的技术、工艺、设备和产品进行认定。企业采用或者生产经过认定的技术、工艺、设备和产品的,按照国家有关规定享受税收优惠。

The department of comprehensive macro-control of economy of the State Council and the comprehensive economic management department of the people's government of all provinces, autonomous regions, and municipalities directly under the Central Government will identify those technologies, processes, equipment and products under the category of encouragement for clean production and comprehensive resource utilization. Enterprises that use or produce the same as identified are entitled to tax preferences in accordance with relevant State rules.

第四十六条 【投资倾斜】

Article 46 Investment Priorities

国务院经济综合宏观调控部门和县级以上地方人民政府综合经济管理部门在制定和实施投资计划时,应当将节能、节水、节地、节材、资源综合利用等项目列为重点投资领域。

The department of comprehensive macro-control of economy of the State Council and the comprehensive economic management department of the people's government at or above the county level shall, while formulating and implementing the investment plan, list projects with respect to energy, water, land, and material saving and comprehensive resource utilization as priorities for investment.

对国家产业政策的节能、节水、节地、节材、资源综合利用等项目,金融机构应当给予优先贷款等信贷支持,并积极提供配套金融服务。

As for the projects in compliance with the State's industry policy and conducive to the conservation of energy, water, land, and materials or to the comprehensive utilization

of resources, financial institutions shall give priority in credit loans as well as proactively provide backup financial services.

对生产、进口或者采用列入淘汰名录的技术、工艺、设备、材料和产品的企业，金融机构不得提供任何形式的授信支持。

As for the enterprises that produce, import or use such technology, process, equipment, material, or products as listed in the Catalogue of Elimination, financial institutions shall not grant loan support in any form.

第四十七条 【价格、收费、押金】

Article 47 Pricing, Fees, Deposits

国务院和省、自治区、直辖市人民政府价格主管部门应当按照国家产业政策，对高消耗行业中的限制性项目，实行限制性的价格政策。

The competent department of price administration of the State Council and people's government of all provinces, autonomous regions, and municipalities directly under the Central Government shall act on the State's industry policy and implement restrictive pricing policy on those restricted projects of the high consuming industries.

对利用余热、余压、煤层气以及煤矸石、煤泥、垃圾等低热值燃料的并网发电项目，其上网电价按照有利于资源综合利用的原则确定。

With respect to grid-connected power generation projects using such low heat-value fuel as residual heat, residual pressure, coal-bed gas, coal gangue, coal mud and garbage, their on-grid electricity prices shall be determined on principles of contributing to comprehensive resource utilization.

省、自治区、直辖市人民政府可以根据本地区经济社会发展状况，实行垃圾排放收费制度，收取的费用纳入行政事业性收费管理，专项用于垃圾收集、运输、贮存和处理，不得挪作他用。

People's government of provinces, autonomous regions, and municipalities directly under the Central Government may, in the light of the regional social and economic conditions, implement the system of paid waste discharge. The fees collected therefrom shall be under the management of administrative and undertaking charges and used exclusively for the purpose of waste gathering, transportation, storage, and

disposal. Use for any other purpose is prohibited.

国家鼓励通过以旧换新、押金等方式回收废物。

The State encourages waste recovery by such means as replacement or deposit.

第四十八条 【政府采购】

Article 48 Governmental Procurement

国家实行有利于循环经济发展的政府采购政策。公共机构用财政性资金进行采购的，应当优先采购节能、节水、节材产品以及环境标志产品和再生产品，并达到国务院财政部门会同有关部门规定的比例。

The State will carry out the policy of governmental procurement in favor of the development of recycling economy. Public agencies shall, when purchasing with fiscal capital, give priority to purchasing energy, water and material-saving products, products with environmental marks and remanufactured products, and the percentage of the purchase thereof shall conform with that specified jointly by the public financial department of the State Council and relevant departments.

第四十九条 【表彰奖励】

Article 49 Honors and Awards

国务院有关主管部门、地方人民政府对在循环经济管理、科学技术研究、产品开发、示范和推广工作中做出显著成绩的单位和个人给予表彰和奖励。

The administratively competent departments of the State Council and people's governments at local levels will honor and award those entities and individuals that make significant contribution to the management, research, product development, exemplification, and popularization in regard to recycling economy.

企业应当对在循环经济发展中做出突出贡献的集体和个人给予表彰和奖励，奖励资金可以纳入生产经营成本。

Enterprises shall honor and award the collective units and individuals that make outstanding contribution to the development of recycling economy. The awarding funds may be included in the cost of production or operation.

第六章 法律责任

Chapter Six Legal Liabilities

第五十条

国务院经济综合宏观调控部门或者县级以上地方人民政府综合经济管理部门或者其他管理部门违反本法规定，有下列行为之一的，由本级人民政府或者上一级人民政府有关主管部门责令改正，对负有责任的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任：

Article 50 If the department of comprehensive macro-control of economy of the State Council or the comprehensive economic management department of the local people's government at or above county level or any other administrative department violates the this Law and has any of the following acts, it shall be ordered to correct by the people's government of the same level or the relevant authorities of the people's government of a higher level. The principle and other persons held to be responsible shall be given administrative sanctions; if a crime is constituted, it shall be subject to criminal liabilities:

(一) 不依法作出行政许可或者办理批准文件的；

(1) failure to make administrative license or issue approval documents according to law;

(二) 发现违反本法的行为或者接到对违法行为的举报后不予查处的；

(2) failure to investigate any found illegal act or any report of illegal act; or

(三) 有不依法履行监督管理职责的其他行为的。

(3) any other failure in performing supervisory and administrative duties in accordance with the law.

第五十一条

违反本法规定，生产被列入强制回收名录的产品和包装物的企业，拒不承担回收或者处置责任的，由县级以上地方人民政府综合经济管理部门责令停止违法行

为，限期改正，处以相当于回收或者处置成本一倍以上三倍以下的罚款；对逾期仍不处置或者处置不符合国家规定要求的，由县级以上地方人民政府综合经济管理部门指定有资质的单位代为处置，处置费用由责任单位承担，并对其处以相当于回收或者处置成本三倍以上五倍以下的罚款；构成犯罪的，依法追究刑事责任。

Article 51 If any enterprise that produces products and packaging listed in the Compulsory Recycling Catalog in violation of this Law refuses to undertake recycling or disposal liabilities, it shall be ordered to stop illegal act and correct within a specified time limit by the comprehensive economic management department of the local people's government at or above the county level, and impose a penalty equal to one time up to three times the recycling or disposal cost; if such enterprise still fails to make disposal exceeding the specified time limit or the disposal does not comply with the state provisions, the comprehensive economic management department of the local people's government at or above the county level shall designate a qualified entity to make dispose on its behalf all at the cost of the enterprise, and give the enterprise a penalty equal to three times up to five times the recycling or disposal cost; if a crime is constituted, the enterprise shall be subject to criminal liability.

第五十二条

违反本法规定，生产或者采用列入淘汰名录的技术、工艺、设备、材料和产品的，由县级以上地方人民政府综合经济管理部门责令限期改正；拒不改正的，没收违法生产、销售、使用的设备、材料、产品；有违法所得的，没收违法所得；情节严重的，由县级以上人民政府综合经济管理部门提出意见，报请人民政府按照国务院规定的权限责令停业或者关闭。

Article 52 Any enterprise that produces or adopts any technology, technique, equipment, material or product listed in the Catalog of Elimination in violation of this Law shall be ordered to correct within a prescribed time limit by the comprehensive economic management department of the local people's government at or above the county level; if it refuses to correct, it shall be confiscated the illegally produced, sold and used equipment, material or product, and the illegal gains shall be confiscated, if any. If the circumstance is serious, the comprehensive economic management department of the local people's government at or above the county level shall propose opinions and report to the people's government to order such enterprise to stop business operation or shut down according to the power prescribed by the State

Council.

违反本法规定，进口列入淘汰名录的设备、材料和产品的，由海关责令退运，可以处以一百万元以下罚款。构成犯罪的，依法追究刑事责任。进口者不明的，由承运人承担退运责任，或者承担有关处置费用。

Any one that imports any equipment, material or product listed in the Catalog of Elimination in violation of this Law shall be ordered by the customs to return the same and given a penalty of less than 1 million yuan. If a crime is constituted, it shall be subject to criminal liabilities according to law. If the importer is not clear, the carrier shall undertake the liabilities for returning the goods or undertake the relevant disposal fees.

第五十三条

违反本法规定，在设计和生产有可能在拆解和处置过程中造成环境污染的电器电子产品时使用列入国家禁止使用名录的有毒有害物质的，由县级以上地方人民政府质量技术监督部门责令停止违法行为，限期改正；拒不改正的，处以一万元以上二十万元以下的罚款；情节严重的，由县级以上地方人民政府工商行政管理部门吊销营业执照。

Article 53 If any one uses any toxic and harmful substances listed in the catalog of toxic and harmful substances prohibited to use by the state at the time of designing and producing electrical and electronic products that may cause environmental pollution during dismantlement and disposal of the same in violation of this Law, the quality and technical supervision department of the local people's government at or above the county level shall order it to stop illegal act and correct within a prescribed time limit; if it refuses to correct, it shall be given a penalty of 10,000 up to 200,000 yuan; if the circumstance is serious, the industry and commerce department of the local people's government at or above the county level shall suspend its business license.

第五十四条

违反本法规定，电力、石油石化、化工、钢铁、有色金属和建材等企业未在规定时间内停止使用不符合国家规定的燃油发电机组和燃油锅炉的，由县级

以上地方人民政府综合经济管理部门责令限期改正；逾期不改正的，责令拆除该燃油发电机组和燃油锅炉，并处以十万元以上五十万元以下的罚款。

Article 54 If any enterprise in the industry of electric power, petroleum and petrol-chemical, chemicals, steel and iron, and non-ferrous metals, as well as construction materials, in violation of this Law, does not stop using fuel generating sets and fuel boilers that do not conform to the state provisions within the prescribed scope and time limit, it shall be ordered to correct within a prescribed time limit by the comprehensive economic management department of the local people's government at or above the county level; if it fails to correct exceeding the time limit, it shall be ordered to demolish the fuel generating sets and fuel boilers, and given a penalty of 100,000 yuan up to 500, 000 yuan.

第五十五条

违反本法规定，矿山企业未达到许可证规定的开采回采率、矿山水循环利用率、采矿贫化率、选矿回收率和土地复垦率等强制性指标的，或者对开采时不具备综合开采技术经济条件而进行开采的，或者对必须同时采出而暂时不能利用的矿种以及含有有用组分的尾矿，未采取保护措施的，由县级以上人民政府国土资源管理部门责令停止违法行为，限期改正，并处以五万元以上一百万元以下的罚款；逾期不改正的，由发证机关依法吊销采矿许可证；造成资源破坏，构成犯罪的，依法追究刑事责任。

Article 55 If any mining enterprise, in violation of this Law, fails to meet such compulsory indexes as rate of extraction for mining, recycling rate of mine water, ore depletion rate, mineral processing recovery and land reclamation rate as prescribed in the license, or carries out mining on any mine that does not have the comprehensive technical and economic conditions for mining at the time of exploitation, or fails to take protective measures to those minerals that shall be mined out simultaneously but shall not be used for the time being and the gangues that have useful components, it shall be ordered to stop illegal act and correct within a specified time limit and impose a fine of 50,000 yuan up to 1 million yuan by the state land and resources management department of the people's government at or above the county level; if it fails to correct within the specified time limit, it shall be suspended its license for mining according to law by the license issuing authority; if it results in resource damage and constitutes a crime, it shall be subject to legal liabilities according to law.

第五十六条

违反本法规定，在国务院或者省、自治区、直辖市人民政府规定禁止生产、销售、使用实心粘土砖的期限和区域生产、销售或者使用实心粘土砖的，由县级以上地方人民政府国土资源主管部门或者工商行政管理部门责令限期改正；有违法所得的，没收违法所得；逾期继续生产、销售的，由县级以上地方人民政府工商行政管理部门吊销营业执照。

Article 56 If any one, in violation of this Law, produces, sells or uses solid clay bricks within the time limit and areas for prohibition of the production, sale and use of the solid clay bricks by the State Council or any people's government of any province, autonomous region, and municipality directly under the Central People's Government, it shall be ordered to correct within a prescribed time limit by the department of state land and resources or the department of industry and commerce of the local people's government at or above the county level, and confiscated the illegal gains, if any; if it continues its production and sale exceeding the time limit, it shall be suspended its business license by the department of industry and commerce of the local people's government at or above the county level.

第五十七条

违反本法规定，电网企业拒不收购企业利用余热、余压、煤层气以及煤矸石、煤泥、垃圾等低热值燃料生产的电力，造成企业经济损失的，应当承担赔偿责任，并由国家电力监管机构责令限期改正。

Article 57 If any power grid enterprise refuses to purchase the electric power produced by the enterprise by using such low heat-value fuel as residual heat, residual pressure, coal-bed gas, coal gangue, coal mud, and garbage and results in the economic loss of the enterprise, it shall be liable for compensation and be ordered to correct within a prescribed time limit by the state electric power supervision institutions.

第五十八条

违反本法规定，有下列行为之一的，由县级以上地方人民政府工商行政管理部门责令停止违法行为，限期改正，可以处以五千元以上五万元以下的罚款；逾期不

改正的，吊销营业执照。造成损失的，依法承担赔偿责任：

- (一) 销售没有粘贴再利用产品标识或者标识不合格的再利用电器电子产品的；
- (二) 销售没有粘贴再制造或者翻新标识或者标识不合格的产品的。

Article 58 If there is any of the following act in violation of this Law, the department of industry and commerce of the local people's government at or above the county level shall order to stop illegal act and correct within a prescribed time limit, and impose a penalty of 5000 yuan up to 50,000 yuan; Those failing to correct exceeding the time limit will be suspended business license. If any loss is caused, the offender shall be liable for compensation according to law:

- (1) Sale of any electrical and electronic products for reuse without any mark for recycling product or with unqualified mark; or
- (2) Sale of any products without remanufacturing mark or retreading mark or with unqualified mark.

第五十九条

违反本法规定，有下列行为之一的，由县级以上地方人民政府工商行政管理部门责令停止违法行为，限期改正，可以处以一千元以上一万元以下的罚款；情节严重的，处以五十万元以下的罚款。造成损失的，依法承担赔偿责任：

- (一) 报废机动车船的所有者未按规定将报废的机动车船交售给回收、拆解企业而转移给其他单位或者个人使用的；
- (二) 报废的机动车船回收后未按规定拆解，重新拼装投入使用的。

Article 59 If there is any of the following act in violation of this Law, the department of industry and commerce of the local people's government at or above the county level shall order to stop illegal act and correct within a prescribed time limit, and may also impose a penalty of 1000 yuan up to 10,000 yuan; if the circumstance is serious, a penalty of less than 500,000 yuan may be given. If any loss is caused, the offender shall be liable for compensation according to law:

- (1) Failure of any owner of a scrapped motor vehicle or vessel to hand over or sell the scrapped vehicle or vessel to any recycling or dismantling enterprise but transfer the same to any other entity or individual for use; or
- (2) Failure to dismantle any scrapped vehicle or vessel as required after the same is recycled, but re-assemble the same and put it into use.

第七章 附则

Chapter Seven Supplemental Provisions

第六十条 【相关术语的定义】

Article 60 Term Definitions

本法中下列用语的含义是：

As used in this Law, the following terms shall have the following meanings:

(一) 废物，是指在生产、生活和其他活动中产生的丧失原有利用价值或者虽未丧失利用价值但被抛弃或者放弃的物品、物质以及法律、行政法规规定纳入废物管理的物品、物质，包括产业废物和流通、消费后产生的废物。

(1) “Wastes” shall mean the articles or substances that loss their original use value or that are abandoned or unwanted despite their use value retained and those classified into the category of wastes by laws and administrative regulations and therefore under the management of wastes, including industrial wastes and post-circulation and consumption wastes.

(二) 产业废物，是指在生产过程中产生的废渣、废水(液)、废气、余热、余压等物质。

(2) “Industrial wastes” shall mean such substances as waste residues, waste water/fluid, waste gas, residual heat, and residual pressure that are resulted from the course of production.

(三) 再生利用，是指经过加工将废物的全部或者部分作为原料予以使用，其产品为再生产品。

(3) “Recycling and reuse” shall mean using the whole or part of wastes after processing as raw materials, and the products derived therefrom are called recycling products.

(四) 再制造，是指将废弃产品及零部件修复、改造成质量等同于或者优于原产品的制造过程，其产品为再制造产品。

(4) “Remanufacture” shall mean the manufacturing process in which scrapped products or components are recovered or reformed for quality identical with or superior to the original products. The products derived therefrom are remanufactured products.

(五) 资源综合利用，是再利用、资源化以及对共生、伴生矿产资源进行合理利用的统称。

“Comprehensive utilization of resources” is the joint name for reuse, recycling/resourcelization, and the reasonable utilization of commensal or associated minerals.

第六十一条【与我国参加的国际条约的关系】

Article 61 Relation with the International Treaties Entered into by China

中华人民共和国缔结或者参加的国际条约与本法有不同规定的，适用国际条约的规定。但是，中华人民共和国声明保留的条款除外。

Where the provisions in the international treaties entered into by the People's Republic of China are different from those herein, the provisions in the international treaties shall prevail; however, those on which the People's Republic of China has declared reservations shall be excluded.

第六十二条【法律生效日期】

Article 62 Date of Effectiveness

本法自 年 月 日起施行。

This law shall come into force as of the date of _____.

(2007 年 6 月 15 日修改)

(Amended on June 15, 2007)